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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CASE NO. L-06-MJ-1074-07
	§	
Adolfo LARA	§	

ORDER OF DETENTION PENDING TRIAL

A detention hearing in accordance with Title 18, United States Code, Section 3142(f) was held in this case on June 21, 2006. Defendant is charged under Title 21, United States Code, Sections 841(a)(1) and 846, with knowingly and unlawfully possessing and conspiring to possess with intent to distribute approximately 809.68 kilograms of marijuana. I find that the following facts are established by clear and convincing evidence and that they REQUIRE THE DETENTION of the Defendant, Adolfo Lara, pending trial in this case.

FINDINGS OF FACT

The government proffered the Pretrial Services Report stating that Defendant has a prior 2001 conviction for possession with intent to distribute 563 pounds of marijuana. Defendant was sentenced to thirty-seven (37) months imprisonment with a five (5) year term of supervised release. The government proffered that Defendant's prior conviction would enhance his current violation to a ten (10) year minimum mandatory sentence. Defendant has had other brushes with the law, including a 1991 charge for driving under the influence and a 1999 charge for criminal mischief. Defendant has significant criminal connections to Mexico, as all but two of the other defendants in this case are Mexican nationals.

Defense counsel proffered that Defendant is a United States citizen who has lived all his life in Laredo, Texas. Defendant has no history of drug or alcohol abuse and is gainfully employed. Defendant and his brother are in the trucking business and haul loads of gravel and dirt in the Webb County area. Defendant has been married for sixteen (16) years and has three (3) daughters; Defendant's family depend on him for financial support.

Defense Counsel proffered that Defendant's wife, Melissa Lara, would testify that Defendant is a loving and caring father that spends time with his children. Ms. Lara would also state that Defendant is a good husband and that they have lived together for the last sixteen (16) years. Ms. Lara would testify that she is an assistant teacher and that her income is insufficient to pay the mortgage on their trailer home. Ms. Lara would also state that Defendant will not flee and that Defendant is not a danger to the community.

Defense Counsel proffered that Defendant's brother, Martin Lara, would state that Defendant works for him and that Defendant works eight to twelve hours a day. Martin Lara would also testify that Defendant is a hard worker and earns his living driving and dumping soil. Martin Lara would also state that he is willing to put up all his inventory to pay for Defendant's bond. Martin Lara would further testify that Defendant is not a threat to the community.

REASONS FOR DETENTION


The evidence adduced at the hearing establishes probable cause to believe Defendant has violated a statute which provides for a maximum forty (40) year sentence under the Controlled Substances Act (21 U.S.C. § 801 et. seq.). Since probable cause exists to believe that Defendant committed these crimes, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the appearance of Defendant as required and the safety of the

community. The Defendant has failed to produce facts which will rebut this presumption in light of the findings above. Defendant is a danger to the community based on his prior criminal conviction. Defendant is a flight risk based on the term of imprisonment that Defendant is facing and his association with the Mexican national co-defendants in this case.

DIRECTIONS REGARDING DETENTION

The Defendant is committed to the custody of the United States Marshal for the Southern District of Texas, Laredo, Texas for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE at Laredo, Texas, this 26th day of June, 2006.



Adriana Arce-Flores
United States Magistrate Judge